

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

WILLIAM J. EINHORN,

Plaintiff,

v.

M.L. RUBERTON CONSTRUCTION  
CO.,

Defendant/Third-Party  
Plaintiff,

v.

RONALD L. TOBIA, ESQUIRE,  
TOBIA & SORGER ESQUIRES, LLC,  
AND DAVID M. DECLEMENT,  
ESQUIRE,  
Third-Party Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 06-2511  
(JEI/JS)

**ORDER OF DISMISSAL**

The parties having appeared before the Court on April 30, 2012 for a non-jury trial in this matter; the parties having reported to the Court that the action has been settled; and the parties further having summarized on the record the terms of the settlement agreement encompassing the entire action, including the third-party claims,

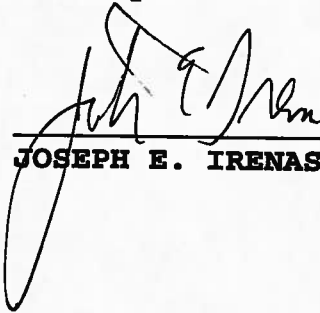
**IT IS** on this 1<sup>st</sup> day of May, 2012,

**ORDERED THAT:**

1. This action is hereby **DISMISSED WITHOUT PREJUDICE** and without costs to the right, upon motion and good cause shown, within 30 days, to reopen this action if the settlement is not consummated.

2. If any party shall move to set aside this Order of

Dismissal as provided in the above paragraph or pursuant to the provisions of Fed. R. Civ. P. 60(b), in deciding such motion the Court retains jurisdiction of the matter to the extent necessary to enforce the terms and conditions of any settlement entered into between the parties.



---

**JOSEPH E. IRENAS, S.U.S.D.J.**